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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,759	03/16/2004	Kazuhiro Ohki	450100-04965	3415

7590 02/04/2008
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EXAMINER
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ART UNIT	PAPER NUMBER
4183	

MAIL DATE	DELIVERY MODE
02/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/801,759	OHKI ET AL.
	Examiner	Art Unit
	PHUNG-HOANG J. NGUYEN	4183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>16 March 2004</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) <u>1-27</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☐ Claim(s) <u>1-27</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>11/17/06 and 2/13/07</u>.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   Claims 11 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11 and 15 call for a program that implements a variety of "means for" as listed below:

a)   transfer rate setting means for

b)   communication performance measuring means for

c)   evaluation means for

d)   interlocking process controlling means for

e)   screen receiving means for

f)   communication performance measurement means for

Means are structures while a program implements steps, not structures.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-2, 4-7, 9-12, 14-16, 18-21, 23-2, and 27 are rejected under 35 U.S.C.

102(b) as being unpatentable over Riddle et al (US Pat 5,864,678); Hereinafter Riddle.

As to claims 1, 2, 12, 14,16, 25 and 27, Riddle discloses a data sharing system

(fig. 2) having at least display screen data (i.e., sample flow rates for an event 1000 of

fig 3) shared between at least one transmitting terminal apparatus (i.e., source machine

500 of fig. 2; or source machine 2000 of fig. 5) and at least one receiving terminal

apparatus (i.e., destination machine 700 of fig. 2; or destination machine 2100, 2200,

and 2300 of fig. 5) connected via a network (i.e., Network 600 of fig 2); wherein said

transmitting terminal apparatus (i.e., source machine 500 of fig. 2) comprises:

transfer rate setting means (i.e., various type of rates, for examples, grabbing

rate, outflow rate, play rate being transferred from source machine to destination

machine; See Abstract) for setting a transfer rate (i.e., 28.8 kilobits/second modem; col.

5, line 9) based on how fast (i.e., how fast the communications device 550 is able to

transmit the compressed and/or digitized data over network 600; col. 5, lines 19-20)

said display screen data were transferred previously to said receiving terminal

apparatus;

communication performance measuring means (i.e., the application performing

the flow detection; col. 4, lines 6-7. Also see fig. 3 for a sample of performance

measured) for measuring communication performance parameters representative of

network communication performance (i.e., the rates at which video stream and the

audio stream are played must be synchronized properly, col. 1, lines 54-55) between

said transmitting terminal apparatus (i.e., source machine 500 of fig. 2; or source

machine 2000 of fig. 5) and said receiving terminal apparatus (i.e., destination machine 700 of fig. 2; or destination machine 2100, 2200, and 2300 of fig. 5);

evaluating means (see fig. 3 and col. 6, line 16 to col. 7, line 59 on how to evaluate the status) for calculating evaluation parameters (i.e., voltage level or registers of a computer; col. 9, lines 19-20 or some physical representation; col. 2, line 55 or some index shown the flow rates for an event 1000; col. 6, line 16) for evaluating network communication status (see fig. 3 for a sample of performance and status) using at least said transfer rate (i.e., various type of rates, for examples, grabbing rate, outflow rate, play rate being transferred from source machine to destination machine; See Abstract) and said communication performance parameters; and

interlocking process controlling means (i.e., the processor 302 of sub system 300 of fig. 4 coupling with bus 301 to interact with other components 304, 306 and 307) for controlling (i.e., processor 302 issued command, col. 9, lines 1-3 or to alert the user of a flow imbalance problem and potential solution; Col. 9, lines 8-10) an interlocking process between said transmitting terminal apparatus (i.e., source machine 500 of fig. 2; or source machine 2000 of fig. 5) and said receiving terminal apparatus (i.e., destination machine 700 of fig. 2; or destination machine 2100, 2200, and 2300 of fig. 5) by use of said evaluation parameters (i.e., voltage level or registers of a computer; col. 9, lines 19-20 or some physical representation; col. 2, line 55 or some index shown the flow rates for an event 1000; col. 6, line 16).

wherein said receiving terminal apparatus (i.e., destination machine 700 of fig. 2; or destination machine 2100, 2200, and 2300 of fig. 5) comprises:

screen receiving means (screen receiving means is inherent since Riddle teaches the transmission of video stream) for receiving said display screen data (i.e., Sample flow rates for an event 1000 of fig 3) transferred from said transmitting terminal apparatus (i.e., source machine 500 of fig. 2; or source machine 2000 of fig. 5); and

communication performance measurement responding means (i.e., communications device 710 which receives any packets of information that arrive through network 600; fig. 2 and col. 5, lines 44-45) for responding (i.e., the imbalance would be reported to the user at the source machine by displaying a pop-up dialog on a display of the source machine; col. 6, lines 46-47) to a signal transmitted by said transmitting terminal apparatus (i.e., source machine 500 of fig. 2; or source machine 2000 of fig. 5) for measuring said communication performance parameters; and

wherein said receiving terminal apparatus is controlled by a signal (i.e., the processor 302 also receives control signals from the communications device; col. 8, lines 63-64) coming from said interlocking process controlling means (i.e., the processor 302 of sub system 300 of fig. 4).

Furthermore, Riddle discloses the step of displaying communication status information (see fig. 3 for a sample of performance and status) about said network by use of evaluation parameters (i.e., voltage level or registers of a computer; col. 9, lines 19-20 or some physical representation; col. 2, line 55 or some index shown the flow rates for an event 1000; col. 6, line 16) calculated by said transmitting terminal apparatus for evaluating network communication status (see fig. 3 for a sample of performance and status) based on said communication performance parameters.

As to claims 4 and 18, Riddle discloses a transmitting terminal apparatus and transmitting terminal apparatus controlling method wherein said communication performance parameters include at least one of two factors consisting of a delay time (i.e., the time lag, col. 4, line 28) and a packet loss rate (i.e., difference between the outflow rate and the arrival rate may indicate loss of packets; col. 6, lines 58-59) detected during signal exchanges (i.e., the latency in transmitting the play and arrival rates to the source machine, col. 4, lines 28-29) between said transmitting terminal apparatus and said receiving terminal apparatus.

As to claims 9 and 23, Riddle discloses a transmitting terminal apparatus (i.e., source machine 500 of fig. 2; or source machine 2000 of fig. 5) and a transmitting terminal apparatus controlling method (i.e., the method described with reference to FIG. 1 on the Source label) further comprising displaying means for displaying communication status information about said network by use of said evaluation parameters.

As to claims 11 and 15, Riddle discloses a recording medium (i.e., a computer system, such as a workstation, personal computer or other processing apparatus; fig. 4, col. 7, lines 63-63) which stores a program (i.e., storing information and instructions to be executed by processor 302; fig 4, col. 8, lines 3-4) causing said computer of said transmitting terminal apparatus and receiving terminal apparatus to implement the apparatus of claim 1.

As to claims 5 and 19, Riddle discloses said evaluating means and evaluating controlling method calculates (see FIG. 3 for calculating flow rates at certain intervals;

specifically, each time index increment of 1 represent 1/60 of a second in the video

conferencing event. Thus, between time index 54752 and time index 55595, 14 second

of real time have elapsed; col. 6, lines 19-23) said evaluation parameters based on

values obtained by weighting previous values (i.e., time index 54752, col. 6, line 22) of

said transfer rate and said communication performance parameters, and the most

recent values (i.e., time index value of 55592, col. 6, line 22) of said transfer rate and

said communication performance parameters.

As to claims 6, 10, 20 and 24, Ridlle discloses a plurality of values of said

evaluation parameters (i.e., voltage level or registers of a computer; col. 9, lines 19-20

or some physical representation; col. 2, line 55, some index shown the flow rates for an

event 1000; col. 6, line 16 and the indexes of the flow imbalance, fig. 3). Ridlle

discloses the displaying mean to display the information status (see fig. 3 for the status)

and for the display purpose (block 321 of fig. 4).

Furthermore, Riddle discloses that the interlocking process using values obtained

by weighting {i.e., the ratio can be compared to a threshold of imbalance (col. 3, lines

63-64). If the ratio of imbalance is greater than 1.2, then the flow imbalance is reported

to the user or to a program (col. 3, lines 65-67). If the ratio of imbalance is not greater

than the threshold then flow imbalance detection repeats in the same manner as it had

occurred before (col. 3, line 67 to col. 4, lines 3)} said plurality of values of said

evaluation parameters in keeping with different types (i.e., the user may also interact

with the processor to modify the type of codec used, the resolution of the video image

sent or the quality of audio send so that coming portions of the data stream have less

flow imbalance, col. 9, lines 11-15) of said interlocking process.

As to claims 7 and 21, Riddle said interlocking process controlling means either

enables or disables there is a need to be able to detect the various rates at which

information is compressed, transmitted, sequenced and decompressed such that the

rates and potential bottlenecks may be reported to a user or to a program to allow a

better synchronization of multimedia data streams, col. 1, lines 58-62) interlocking

functionality depending on different types of said interlocking process.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Riddle (US Pat 5,864,678) in view of Hisanaga et al (US Pat 5,907,556). Hereinafter

Hisanaga.

As to claims 3 and 17, Riddle discloses a data transfer based on a

predetermined transfer rate (i.e., 28.8 kilobits/second modem; col. 5, line 9). Riddle

failed to explicitly teach "transfer rate setting means changes said the transfer rate".

Furthermore, Riddle failed to explicitly teach "transfer rate setting means changes said

the transfer rate". Riddle failed to explicitly teach a predicted completion time of a data

transfer based on a predetermined transfer rate.

However, Hisanaga discloses the transmission rate change in the case where

the attempt of data transmission has already been started and the transmission rate is

to be changed, a time point to start changing operation of the transmission rate is

obtained by subtracting a time required for changing the transmission rate from the

time point of completion of data transmission which has been notified (col. 8, lines 40-

46).   Furthermore, Hisanaga discloses the time point of completion of data

transmission is predictable by obtaining the time required for transmission by

calculating (the amount of data/the used transmission bandwidth) and adding the time

required for transmission which has been obtained to the time of starting

data transmission (col. 5, lines 29-43) for the purpose of making the transmission

possible to obtain the high efficiency of use of the bandwidth (col. 7, lines 25-26).

Therefore, it would have been obvious to one of the ordinary skilled in the art at

the time the invention was made to incorporate the teachings of Hisanaga into the

teaching of Riddle for the purpose of time efficiency to help the users to be able to

predict the transmission (i.e., downloading or uploading) time and also to be able to

utilize the bandwidth efficiency.

6.   Claims 8, 13, 22 and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Riddle (US Pat 5,864,678) and Hisanaga et al (US Pat 5,907,556)

in view of Perry (US Pub 2006/0064440).

Riddle and Hisanaga failed to explicitly disclose said interlocking process concerns at least one of three operations consisting of a remote operation, a chat, and a file transfer;

wherein said remote operation is a process in which one of said transmitting and said receiving terminal apparatuses remotely operates another terminal apparatus;

wherein said chat is a process carried out between at least said one transmitting terminal apparatus and at least said one receiving terminal apparatus; and

wherein said file transfer is a process effected between at least said one transmitting terminal apparatus and at least said one receiving terminal apparatus.

However, Perry (US Pub 2006/0064440) discloses the various session services (beside remote equipment operations and real-time collaboration, such as, chat) include file transfer capabilities (par 0113, lines 1-7) for the purpose of allowing the users to perform different tool updates without the risk of destroying the current set of parameters that governs the tool.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to incorporate the teachings of Perry into the teachings of Riddle and Hisanaga for the purpose of increasing the convenience for the users to use the tools without compromising the integrity of the tool and of the current tool setting.

Cited Related Prior Art

The prior art made of record and not relied upon is considered pertinent applicant's disclosure:

Noble et al (US Pub 2003/0074406)

Haacke et al (US Pub 2004/0068521)

Duffie et al (US Pat 5,402,412)

Riddle (US Pat 5,434,860)

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 7:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571 272 1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Date: January 31, 2008   /Phung-Hoang J Nguyen/

Examiner, Art Unit 4183

/Len   Tran/

Supervisory Patent Examiner, Art Unit 4183